

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

UNITED STATES OF AMERICA,

v.

**Criminal No. 1:22-CR-51
(Chief Judge Kleeh)**

FOTIOS GEAS, et al.,

Defendants.

ORDER GRANTING UNITED STATES' MOTION FOR PROTECTIVE ORDER

On October 12, 2022, the United States moved the Court for a protective order in this case limiting disclosure of certain discovery material to the defendants. For good cause shown, the Court **GRANTS** the motion. To ensure the safety of inmate witnesses, the Court **ORDERS** that any discovery materials containing the memorialization of a statement of an inmate witness or any documentation concerning any inmate witness, as described below, remain in the sole possession of the defendants' defense teams, and that no material or paperwork containing said statements shall be provided to the defendants or any other person. For the purpose of this Order, the defendants' defense teams includes counsel, paralegals, investigators, and expert consultants. Specifically, the defendants' defense teams shall not provide defendants with copies of the following Bates-stamped documents:

- a. 25 – Memorandum documenting inmate statement
- b. 100-338 – Inmate mass interviews
- c. 2019-2033 – Inmate emails re: Bulger arrival at USP Hazelton
- d. 2034-2098 – Memoranda and transcripts of inmate interviews
- e. 2099 – FBI 302 of inmate interview

- f. 2103 – FBI 302 of inmate interview
- g. 2105 - FBI 302 of inmate interview
- h. 2108-2109 - FBI 302 of inmate interview
- i. 2117 - FBI 302 of inmate interview
- j. 2120-2121 - FBI 302 of inmate interview
- k. 2122-2123 - FBI 302 of inmate interview
- l. 2124 - FBI 302 of inmate interview
- m. 2125 – Memo documenting inmate statement
- n. 2128 - FBI 302 of inmate interview
- o. 2129-2152 – Transcripts of inmate telephone calls
- p. 2153 - FBI 302 of inmate interview
- q. 2154-2157 - FBI 302 of inmate interview
- r. 2158-2159 - FBI 302 of inmate interview
- s. 2160-2161 - FBI 302 of inmate interview
- t. 2163-2166 - FBI 302 of inmate interview
- u. 2185-2187 – Inmate letter
- v. 2203-2204 - FBI 302 of inmate interview
- w. 5471 – Recording of inmate interview
- x. 5472 – Recording of inmate telephone call
- y. 5473 – Recording of inmate telephone call
- z. 5619-5620 - FBI 302 of inmate interview
- aa. 5621 - FBI 302 of inmate interview

- bb. 5622-5625 - FBI 302 of inmate interview
- cc. 5626-5627 - FBI 302 of inmate interview
- dd. 5628-5649 – Transcript of grand jury testimony
- ee. 5650-5674 – Transcript of grand jury testimony
- ff. 5675-5703 – Transcript of grand jury testimony
- gg. 5704-5741 Transcript of grand jury testimony
- hh. 5743-5795 – Recorded inmate telephone calls
- ii. 5803-5898 – Recorded inmate telephone calls
- jj. 6790-7490 – Inmate written correspondence
- kk. 7464-7496 – Recorded inmate telephone calls
- ll. 7511-10892 – Inmate written correspondence
- mm. 10893-11024 – Inmate recorded telephone calls
- nn. 11025-11026 – Inmate recorded telephone calls
- oo. 11160-11161 – Email correspondence containing inmate statement

Further, for good cause shown, the Court **ORDERS** that discovery which contains documentation from inmates' central inmate files, medical records, photographs of the victim's injuries and autopsy, and documents relating to the security and operation of BOP institutions remain in the sole possession of the defendants' defense teams, and that no material or paperwork containing said statements shall be provided to the defendants or any other person. Specifically, the defendants' defense teams shall not provide the defendants with copies of the following Bates-stamped documents:

- a. 24 – Photo of victim

- b. 33 – Photo of victim
- c. 34-99 – Victim’s medical and psychological records
- d. 345-347 – Information from the victim’s BOP file
- e. 348-349 – Information from defendant DeCologero’s BOP file
- f. 350-355 – Information from defendant Geas’ BOP file
- g. 356-357 – Information from defendant McKinnon’s BOP file
- h. 376-402 - Information from defendant DeCologero’s BOP file
- i. 403-427 - Information from defendant Geas’ BOP file
- j. 428-444- Information from defendant McKinnon’s BOP file
- k. 460-463 – Victim’s medical record
- l. 464-465 – Defendant DeCologero’s medical record
- m. 466-467 – Defendant Geas’ medical record
- n. 468-469 – Defendant McKinnon’s medical record
- o. 470-1503 – Victim’s medical records
- p. 1505-1523 - Information from the victim’s BOP file
- q. 1524-1554 – Information from defendant DeCologero’s BOP file
- r. 1555-1583 – Information from defendant Geas’ BOP file
- s. 1584-1599 - Information from defendant McKinnon’s BOP file
- t. 1615-1619 – Staff roster (will not disclose, but can provide the information
upon request)
- u. 1623-1624 - Information from defendant DeCologero’s BOP file
- v. 1625-1651 - Information from defendant DeCologero’s BOP file

- w. 1652-1676 - Information from defendant Geas' BOP file
- x. 1677-1693 - Information from defendant McKinnon's BOP file
- y. 1812-1813 – Photo of inmate
- z. 1814-1817 – Photos of the victim
- aa. 1818-1860 - Crime scene photos
- bb. 1861-1868 – Photos of victim
- cc. 1869-1876 – Crime scene photos
- dd. 1937-1943 - Photos of defendant McKinnon
- ee. 1944-1950 – Photos of defendant Geas
- ff. 1952-2017 - Autopsy photos
- gg. 2126 – Information from victim's BOP file
- hh. 2188-2202 – Autopsy report
- ii. 7500-7503 – Information from defendant DeCologero's BOP file
- jj. 7504-7507 - Information from defendant Geas' BOP file
- kk. 7508-7510 - Information from defendant McKinnon's BOP file
- ll. 11027-11048 – Defendant McKinnon's pre-sentence report
- mm. 11049-11112 – Defendant DeCologero's pre-sentence report
- nn. 11113-11149 – Defendant Geas' pre-sentence report

Further, this order shall apply to any discovery documents not identified above but that fall within the categories described above, or any later disclosed discovery material that fall in the categories described above. This prohibition extends to the use of indirect or alternative methods of providing the documents to the defendants or introducing the materials into a penitentiary or

any correctional or detention facility, such as through the use of the United States mail or third parties. The defendants' defense teams may review the above-described protected discovery with the defendants.

The Court notes and preserves any objections by the defendants. The defendants shall retain the right to file any motion they deem appropriate should any disputes arise as to any discovery protected by this order.

It is so **ORDERED**.

The Court directs the Clerk to transmit copies of this Order to counsel of record, the Office of Probation and all appropriate agencies.

Dated: October 19, 2022

A handwritten signature in black ink, appearing to read "Tom S. Kleeh", written over a horizontal line.

Thomas S. Kleeh
Chief United States District Judge